

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:18-cr-00078-MR-WCM-1**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARION KENT COVINGTON

Defendant.

)
)
)
)
)
)
)
)
)
)

ORDER

THIS MATTER is before the Court on the Defendant's Unopposed Motion to Seal Response to Government's Objections to Pre-Sentence Report [Doc. 58].

The Defendant, through counsel, moves the Court for leave to file a Response to Government's Objections to Presentence Report under seal in this case. For grounds, counsel states that the response includes information contained in prior sealed filings, including information contained in the Presentence Investigation Report and the Government's objections thereto. [Doc.58].

Before sealing a court document, the Court must "(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the

documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” Ashcraft v. Conoco, Inc., 218 F.3d 288, 302 (4th Cir. 2000). In the present case, the public has been provided with adequate notice and an opportunity to object to the Defendant’s motion. The Defendant filed his motion on February 28, 2019, and it has been accessible to the public through the Court’s electronic case filing system since that time. Further, the Defendant has demonstrated that the response and attachments thereto contain sensitive information concerning the Defendant and that the public’s right of access to such information is substantially outweighed by the Defendant’s competing interest in protecting the details of such information. Finally, having considered less drastic alternatives to sealing the document, the Court concludes that sealing of the Defendant’s Response and attachments thereto is necessary to protect the Defendant’s privacy interests.

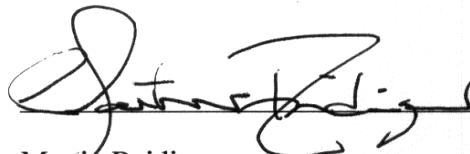
Upon review of the Defendant’s Response and attachments thereto, the Court finds that the Response and attachments thereto contain case material and information of the nature that is ordinarily sealed and appropriate to be shielded from public access. See United States v. Harris, 890 F.3d 480, 492 (4th Cir. 2018).

Accordingly, the Defendant's Motion to Seal is granted, and counsel shall be permitted to file a Response and attachments thereto under seal.

IT IS, THEREFORE, ORDERED that the Defendant's Unopposed Motion to Seal Response to Government's Objections to Pre-Sentence Report [Doc. 58] is **GRANTED**, and the Defendant's Response [Doc. 57] and attachments thereto [Docs. 57-1, 57-2, 57-3, 57-4, 57-5] shall be filed under seal and shall remain under seal until further Order of the Court.

IT IS SO ORDERED.

Signed: March 2, 2019


Martin Reidinger
United States District Judge

